

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
FEB 26 2007
CLERK, U.S. DISTRICT COURT
By _____ Deputy

JERRY CARL SCOTT,

§
§

Petitioner,

§
§

v.

§

2:07-CV-0022

§
§
§
§
§
§
§
§

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

§
§

ORDER ADOPTING REPORT AND RECOMMENDATION,
OVERRULING OBJECTIONS,
DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came for consideration the petition for a federal writ of habeas corpus filed by petitioner JERRY CARL SCOTT wherein petitioner challenges the result of a prison disciplinary proceeding. Said habeas petition was filed without prepayment of the required \$5.00 filing fee. Instead, petitioner submitted, with his petition for habeas relief, an “Application to Proceed *In Forma Pauperis*” and a certified *in forma pauperis* data sheet from the penal institution in which he is incarcerated.

On February 5, 2007, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner’s “Application to Proceed *In Forma Pauperis*” be denied, and that the petition for a writ of habeas corpus filed by petitioner

be dismissed for failure to pay the \$5.00 filing fee. On February 21, 2007, petitioner filed objections to the Report and Recommendation wherein he argued he did not waive any right to proceed in this case before a district judge, and objected to this case proceeding before the United States Magistrate Judge. On this basis, petitioner requested the recommendation of the Magistrate Judge be disregarded. Petitioner did not address the merits of the recommendation or request additional time in which to pay the fee.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED, and petitioner's objections are hereby DENIED. Accordingly, petitioner's "Application to Proceed *In Forma Pauperis*" is DENIED, and the petition for a writ of habeas corpus filed by petitioner JERRY CARL SCOTT is DISMISSED.

IT IS SO ORDERED.

ENTERED this 26th day of February 2007.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE